

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH
BENEFITS FUND, PIRELLI ARMSTRONG
RETIREE MEDICAL BENEFITS TRUST;
TEAMSTERS HEALTH & WELFARE FUND
OF PHILADELPHIA AND VICINITY;
PHILADELPHIA FEDERATION OF
TEACHERS HEALTH AND WELFARE
FUND, and DISTRICT 37 HEALTH AND
SECURITY FUND,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri
corporation; and McKESSON
CORPORATION, a Delaware corporation,

Defendants.

C.A. No. 1:05-CV-11148-PBS

**CLASS PLAINTIFFS' AND FIRST DATA BANK'S AMENDED JOINT MOTION FOR
ENTRY OF AN ORDER (a) GRANTING PRELIMINARY APPROVAL OF THE FIRST
DATA BANK SETTLEMENT, (b) CERTIFYING A CLASS FOR PURPOSES OF
SETTLEMENT, (c) DIRECTING ISSUANCE OF NOTICE TO THE CLASS; and (d)
SCHEDULING A FINAL FAIRNESS HEARING**

Class plaintiffs and defendant First Data Bank, Inc., ("FDB"), jointly move for entry of an order granting preliminary approval of the proposed settlement, certifying a class for settlement purposes, approving the form and manner of notice and scheduling a date for the final fairness hearing.

In support of this amended motion, class plaintiffs rely upon the following documents:

- (1) Class Plaintiffs' Amended Memorandum of Law in Support of Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan (filed herewith);

- (2) Attachment A to Class Plaintiffs' Amended Memorandum of Law in Support of Motion Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan (filed herewith);
- (3) Attachment B to Class Plaintiffs' Amended Memorandum of Law in Support of Motion Joint Motion for Preliminary Approval of Proposed First DataBank Class Settlement, Certification of Settlement Class and Approval of Notice Plan (filed herewith);
- (4) Amended Declaration of Thomas M. Sobol in connection with Joint Motion for Preliminary Approval of Settlement as to Defendant First DataBank, Inc. (filed herewith);
- (5) The Settlement Agreement and Release between Class counsel and First Databank, Inc, dated as of August 3, 2006 (filed herewith);
- (6) Exhibit A to the Settlement Agreement, (listing the NDCs for Pharmaceutical products subject to adjustment provisions in the Settlement Agreement) (filed herewith);
- (7) Exhibit B to the Settlement Agreement, Settlement Notice- Notice of Pendency and Proposed Settlement of Class Action and Settlement Hearing(filed herewith);
- (8) Exhibit C to the Settlement Agreement, Summary Notice for Publication (filed herewith);
- (9) Exhibit D to the Settlement Agreement, Proposed Order Granting Preliminary Approval of the First Databank, Inc. Settlement, Certifying Class for Purposed of Settlement Only, Directing Notice to The Class and Scheduling a Fairness Hearing (filed herewith);
- (10) Exhibit E to the Settlement Agreement, Final Order and Judgment Certifying The Class for Purposed of Settlement, Approving of Class Action Settlement, and Dismissing the Action with Prejudice (filed herewith);
- (11) Declaration of Katherine Kinsella (in connection with proposed form of notice to consumers and third party payors and the Proposed Settlement Notice Plan) (filed herewith);
- (12) Declaration of Raymond S. Hartman (relating to estimation of cost savings relating to the rollback on the Rollback Drugs) (filed herewith);
- (13) Declaration of Steve W. Berman in Support of Plaintiff's Motion for Class Certification and in Support of Motion to file First Amended Complaint (filed July 17, 2006 [Docket #91]);

- (14) Declaration of Susan A. Hayes in Support of Plaintiffs' Motion for Class Certification (filed on July 17, 2006, [Docket #78]);
- (15) Declaration of Raymond S. Hartman in Support of Plaintiffs' Motion for Class Certification (filed on July 17, 2006, [Docket #77]);
- (16) Declaration of Thomas Glenn (filed herewith); and
- (17) Joint Memorandum in Further Support of Preliminary Approval of the Proposed First DataBank Class Settlement (filed herewith).

DATED: November 1, 2006

By /s/ Thomas M. Sobol
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on November 1, 2006.

/s/ Thomas M. Sobol
Thomas M. Sobol